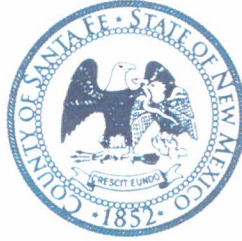


Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

June 25, 2019

House Committee on Natural Resources
Subcommittee on Water Oceans and Wildlife
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

Subject: Letter of Support for H.R. 3292, the Aamodt Litigation Settlement Completion Act of 2019

Dear Chairman Huffman, Committee Members,

Thank you for the opportunity to submit this statement in support of H.R. 3292, the *Aamodt Litigation Settlement Completion Act of 2019*. The bill under consideration is a critical part of ensuring the success of the Aamodt Settlement, which calls for the construction of a Regional Water System that will provide a permanent source of clean drinking water for both Pueblo and non-Pueblo residents within the Pojoaque River Basin of Northern New Mexico.

Santa Fe County ("County") is grateful for the Committee's ongoing commitment to the settlement process as a way to provide certainty and finality to longstanding water rights disputes. Settlement is a particularly effective means of equitably resolving Indian water rights claims that would otherwise entangle thousands of claimants in decades of litigation over questions of historical fact and murky principles of federal law. The Aamodt Settlement, which is incorporated into the Aamodt Litigation Settlement Act of 2010 ("2010 Act"), was instrumental in resolving the longest federal court case in U.S. history, which certainly would have otherwise continued for at least another decade.

The central component of the 2010 Act is the Regional Water System, which upon construction will deliver drinking water to four Pueblos and the County Water System. The Act included a clause, referred to as the "611(g) Clause," which established a process for the Settlement Parties to renegotiate the federal and non-federal cost-share of the Water System if it turned out that its actual cost exceeded the estimated cost. The 611(g) Clause was included because the parties knew in 2010 – and there was testimony on this very point – that the cost estimate incorporated into the 2010 Act was based on an inadequate analysis and was likely significantly below what the actual cost would be. As a result, the System is substantially underfunded.

Approximately twelve months ago, after conducting a far more rigorous analysis and confirming that the prior cost estimate was indeed too low, the Interior Secretary invoked the 611(g) Clause. Since then, the Pueblos of Nambe, Pojoaque, San Ildefonso and Tesuque, the U.S. Department of

Interior and the County have worked tirelessly to negotiate a fair allocation of the underfunding. The Parties have agreed to significant cost-saving cuts to the Water System that substantially reduce its total cost. And, consistent with the Act, the Parties are not asking the federal government to bear the entire burden of the underfunding. The County and the State have both agreed to shoulder a significant portion, but it is critical to the Aamodt Settlement's success that Congress amend the 2010 Act to provide the requested additional federal funding, extend the date that substantial completion must be attained, and make other needed changes to the Act.

The County, the State, and the Pueblos stand united in our support of H.R. 3292. Without the passage of this bill, the Settlement will unravel and the Parties would be plunged back into a decade or more of contentious litigation without any clear idea of how it will ultimately be resolved. As expensive as the Regional Water System is, litigation would be far more expensive and the result of such litigation cannot be predicted. Accordingly, the County respectfully urges the House to pass H.R. 3292.

Chairman, Committee members, thank you for hearing this matter. I am confident that with your support the Regional Water System will be constructed and, as a result, both the Pueblo and non-Pueblo citizens of the Pojoaque River Basin will have a permanent and dependable source of clean drinking water.

Sincerely,

A handwritten signature in cursive script that reads "Anna Hamilton".

Anna Hamilton
Chair, Board of County Commissioners
Santa Fe County